In re Appln. of De Boursetty et al.
Application No. 10/539,456
Response to Office Action of October 3, 2008

Remarks

The following remarks are responsive to the Office Action of October 3, 2008.

At the time of the Office Action claims 1-21 were pending. All claims were rejected under 35 U.S.C. §103(a) as obvious over Nachman et al. (U.S. Patent Application Publication No. 2001/0027474) in view of Streble et al. (U.S. Patent Application Publication No. 2004/0205119). Also, claim 20 was rejected under 35 U.S.C. §101 as directed to a non-statutory subject matter.

Without agreeing to the 35 U.S.C. §101 rejection of claim 20, but to advance prosecution, claim 20 is being amended as indicated above to recite "a software product adapted to be stored in a memory of a processor unit of a first unit." Accordingly, it is believed that amended claim 20 fully conforms with 35 U.S.C. §101, as explained in the guidelines in M.P.E.P. §2106.01. Hence, Applicants respectfully request that this rejection be withdrawn.

Applicants respectfully traverse the 35 U.S.C. §103(a) rejection of claims 1-21. In this rejection, the Examiner admits that Nachman fails to teach step a1 as recited in independent claims 1, 20 and 21. However, for this feature, the Examiner relies on the teachings of Streble, and contends that one skilled in the art would have found it obvious to have modified the Nachman system and method in accordance with the teaching of Streble to have achieved the claimed embodiments of the present invention. Applicants respectfully disagree.

Nachman teaches a method for sending real-time messages between viewings of a Web page. Applicants respectfully submit that features of the claimed embodiments of the present invention which distinguish over Nachman are discussed in the Remarks of the previous Amendment.

Streble describes a method for capturing content development data from a Web server which runs a Web application using content development data in order to pass the data to an analysis server which comprises a tracker application. As discussed in the Abstract of Streble, the Streble method uses the content development data to analyze the effectiveness of Websites. More particularly, Streble is directed to tracking the content development data (e.g., user's identification, membership status, etc.) that are used to generate Web pages in

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order to gauge the effectiveness of a Website. (See, paragraphs 0004-0005 of Streble). In particular, the Streble method formats content development data received from a Web server at a client instead of at the Web server, and then passes the formatted content development data from the client to the tracker application which is in charge of the analysis of the formatted content development data (See, paragraphs 0009-0011 of Streble).

In the Office Action, the Examiner contends that Streble suggests posing a question to a user of the first unit as in step a1 of claims 1, 20 and 21 of the present application. However, Applicants respectfully submit that since Streble manages communications between servers and a client which is communicating with one of the servers, Streble does not teach any interaction with a user of the server.

Furthermore, the Examiner contends that the HTML type image request that is taught in paragraph 0036 of Streble consists of a question posted to a user of the client. However, Applicants respectfully submit that this HTML request is not submitted to the user of the client but to the device itself. Applicants further submit that even though the HTML type image request contains a question mark, a question is not posed to a user of the client.

In addition, the Examiner contends that one skilled in the art would have considered modifying Nachman in accordance with the teachings of Streble to improve security for the user of the devices. However, Applicants respectfully submit that Streble does not address security issues in communications between devices on a network. Rather, Streble relates to a method for enhancing communications between a Web server and an analysis server to analyze the Web server's effectiveness.

Accordingly, for at least the above reasons, Applicants respectfully submit that Streble fails to teach at least step a1 of claims 1, 20 and 21 of the present application. Hence, Applicants submit that one skilled in the art would not have found it obvious or possible to have modified the Nachman method and apparatus in accordance with the teachings of Streble to have achieved the embodiments of the present invention even as recited in independent claims 1, 20 and 21. Therefore, all claims should be allowable.

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Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

/brian c. rupp/

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